



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON 25305

GUS R. DOUGLASS
COMMISSIONER

WILLIAM H. GILLESPIE
ADMINISTRATIVE ASSISTANT

July 27, 1984

Honorable A. James Manchin
Secretary of State
Capitol Building
Charleston, WV 25305

Dear Secretary Manchin:

This is to announce that I am calling a public hearing, by request, for 11:00 A.M., Thursday, September 6, 1984, to consider the removal of Section 4.49b of the Regulations Governing Public Markets which prohibits the owner or manager of a public market from serving as auctioneer at regularly scheduled sales.

With best regards, I am

Very truly yours,

Gus R. Douglass
Agriculture Commissioner

GRD/G/d
Enc.

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 7-27-84
Administrative Law Division



STATE OF WEST VIRGINIA
 OFFICE OF THE SECRETARY OF STATE
 CHARLESTON 25305

A. JAMES MANCHIN
 SECRETARY OF STATE

STATE REGISTER FILING

I, Gus R. Douglass, Commissioner,
 Title or Position

West Virginia Department of Agriculture, hereby submit to record in
 Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- proposed rules and regulations superseding rules and regulations already on file;
- notice of hearing;
- findings and determinations;
- rules and regulations; or
- other - specify ()

This filing pertains to

Chapter 19
 Article 2 & 2a
 Series XI
 Section _____
 Page No. 16 and 17

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A. JAMES MANCHIN
 SECRETARY OF STATE

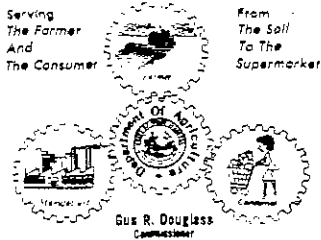
THIS DATE 7-27-84
 Administrative Law Division

- proposed rules and regulations are required to go to Legislative Rule Making Committee;
- proposed rules and regulations are excluded from Legislative Rule Making Committee;

July 27, 1984

Date Submitted

Signature of Person Authorizing



**W
V
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NEWS RELEASE

WEST VIRGINIA DEPARTMENT OF AGRICULTURE

Information Division
Charleston, WV 25305
Phone: 348-3708

For Immediate Release

July 25, 1984

HEARING ON PUBLIC MARKET REGULATIONS

CHARLESTON, W. VA. - Agriculture Commissioner Gus R. Douglass has announced that he is convening a public hearing at 11:00 A.M., Thursday, September 6, 1984, in the Department of Agriculture hearing room at the Guthrie Agricultural Complex to consider removal Section 4.49b of the Regulations Governing Public Markets which prohibits owners and managers of public markets from serving as auctioneers at regularly scheduled sales..

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A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE 7-27-84
Administrative Law Division

PROPOSED REGULATIONS

Legislative
Dept. of Agri.
Adm. Reg. 19-2 & 2a
SERIES XI

Sec. 4.45

4.45 Livestock to be sold on own merits to highest bidder. A public market shall offer all agricultural and horticultural products consigned for sale at auction and shall sell such products to the highest bidder.

4.46 Livestock intermingling. A public market shall not pen livestock entered or received to be sold for immediate slaughter, with cattle entered or received to be sold for feeding and/or breeding purposes.

4.47 Livestock, condition of. Public market officials shall cause the condition of any obviously sick, injured, or otherwise unhealthy animals to be noted on the scale ticket and such condition must be announced by the auctioneer prior to the sale of such animal.

4.48 Price guarantees prohibited. No public market, in soliciting consignments of agricultural or horticultural products, shall guarantee to the owner or others thereof that such products will be sold at a specific price or prices if consigned to its market.

4.49 Market manager prohibited from buying, selling or trading in livestock except in name of market. A public market shall not permit its manager to engage in buying, selling or otherwise trading in livestock for himself, his agent or partner at said markets.

- (a) Licensed weighmen, graders and auctioneers employed as such at a public market shall not buy or trade in agricultural or horticultural products at the public markets at which they are employed as weighmen, graders or auctioneers.

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THIS DATE 7-27-84
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Page 16

- (b) When it appears to the manager of a public market that livestock being offered for sale is selling below a reasonable market price, the manager may buy said livestock in the name of the public market at which he is employed. He shall have the right to sell such livestock purchased by the market to anyone other than himself, and if there be a loss on the sale of such livestock, the public market shall absorb such loss. On such purchases and sales, the public market shall set up a special account on which all such transactions are to be recorded, and shall make an itemized report to the Commissioner on forms furnished by him, when requested.

4.50 Commission, service, other charges, schedule and posting of. The management of the public market shall have permission to annually establish tariff rates. Such rates will take effect on July 1 of each year and shall remain in effect through June 30 of the following year without charge.

The rates established for the market shall be advertised in a newspaper of general circulation within the market area at least twice in separate weeks during the month of May prior to their taking effect. All advertisements shall include language stating that the rates are "established by the market management".

The rate schedule may be based on either a base rate or a percentage rate and shall be advertised and posted annually whether they remain the same or are changed. Rates for special sales or unusual services such as are included in purebred and dispersal sales shall be determined under special arrangements agreed to between the parties prior to such sales. Such tariff rate schedules shall be forwarded to the U.S.D.A. Packers and Stockyards Administration for their consideration at least ten (10) days prior to their effective date with

CURRENT REGULATIONS

Legislative
Dept. of Agri.
Adm. Reg. 19-2 & 2a
SERIES XI

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- (a) Licensed weighmen, graders and auctioneers employed as such at a public market shall not buy or trade in agricultural or horticultural products at the public markets at which they are employed as weighmen, graders or auctioneers.
- (b) Individuals who own or operate public markets shall not serve as auctioneers at regularly scheduled sales at said market.

- (c) When it appears to the manager of a public market that livestock being offered for sale is selling below a reasonable market price, the manager may buy said livestock in the name of the public market at which he is employed. He shall have the right to sell such livestock purchased by the market to anyone other than himself, and if there be a loss on the sale of such livestock, the public market shall absorb such loss. On such purchases and sales, the public market shall set up a special account on which all such transactions are to be recorded, and shall make an itemized report to the Commissioner on forms furnished by him, when requested.

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